

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Effective January 1, 2006, the petitioner's Social Security benefit was raised from \$926 to \$963 a month due to a cost of living increase. During a review of his Food Stamp eligibility in December 2005, the Department determined that the increase in the petitioner's income would result in a reduction in his Food Stamps from \$14 to \$10 per month effective January 1, 2006.

3. At a hearing in this matter held on March 3, 2006 the petitioner did not disagree with any of the Department's determinations regarding his present income and expenses.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all Social Security benefits as countable unearned income. Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to those specifically itemized in the regulations. Food Stamp F.S.M. § 273.9(d). All households under five persons receive a "standard deduction" of \$134. Households are also entitled to deduct certain excess medical expenses and are allowed a "shelter deduction" in the amount by which their total shelter costs exceed one half of their net income. In the petitioner's case there is no dispute that he received the correct standard, medical, and housing deductions based on his reporting of those expenses at that time. (There are also deductions allowed in the regulations for child care and earned income expenses for which the petitioner does not qualify.)

Inasmuch as the petitioner did not dispute that the Department's decision in this matter accurately reflected his income and expenses as of January 2006, and cannot show that the amount of his Food Stamps was not determined in accord with the applicable regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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